

AMENDMENTS TO THE DRAWINGS

The attached sheet of drawings includes changes to Fig. 8. This sheet, which includes Fig. 7-8, replaces original sheet including Fig. 7-8. In Figure 8, the section 60b which was shaded in the original drawings was inadvertently not shaded in the formal drawings. This amendment is to add this shading back into Fig. 8.

Attachments:

Replacement Sheet

Annotated Sheet Showing Changes

REMARKS

Claims 1-3 and 5-23 are currently pending. Claim 1 has been amended and support for this claim limitation can be found, for example, in Figure 1. Claims 24-31 were previously cancelled. New claims 32-38 have been added and do not introduce any new matter. For example, support for claim 32 can be found in Figure 2; for claim 33 in Figure 1; for claim 34 in Figure 1; for claim 35 in Figure 8 and paragraph 22; for claim 36 in Figure 1; for claim 37 in Figure 3; and for claim 38 in Figure 4.

Examiner Interview

The Applicants thank Examiner Ahmed for the interview with Zeba Ali on October 17, 2006 to discuss the proposed amendments submitted herein. The Applicants argued, and the Examiner agreed, that U.S. Patent No. 4,753,641 to Vaslow does not describe a non-pointed distal-most end. Rather, the device of Vaslow needs a sharp tip to be able to penetrate and cut the tissue, as the invention is directed to preventing this pointed tip from penetrating the opposite vessel wall. Thus, it would not be obvious to one of ordinary skill in the art at the time of the invention to modify the device of Vaslow with a non-pointed tip.

The Claims Are Not Anticipated by U.S. Patent No. 4,753,641 by Vaslow (“Vaslow”)

Claims 1, 2 and 6-10 stand rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Vaslow. However, Vaslow does not describe a needle having a distal-most end that is a non-pointed curvilinear tip. As can be seen from the figures and the accompanying description of the figures, Vaslow describes a needle that terminates in a point 4 that lies on the longitudinal axis 14, which is parallel to the needle axis 18. (See col. 5, lines 21-26). The edge 5, which meets point 4, is not depicted as being curvilinear or non-pointed. For at least this reason, Applicants submit that Vaslow does anticipate claim 1 (and all claims that depend therefrom) and Applicants request withdrawal of this rejection.

The Claims Are Not Rendered Obvious by Vaslow in view of U.S. Patent No. 4,537,593 to Alchas (“Alchas”)

Claims 3, 5 and 12 (which depend directly or indirectly from claim 1) stand rejected under 35 U.S.C. 103(a) as being allegedly rendered obvious by Alchas in view of Vaslow. As

stated above, Vaslow does not describe a needle having a distal-most end that is a curvilinear non-pointed tip. Alchas does not make up for this deficiency. The tip of Alchas is clearly the endpoint of two straight lines. Further, Alchas states that the closed planar portion 31 “terminates at a straight edge 32 lying at an angle to longitudinal axis 34” (see col. 5, lines 42-46). Further, Alchas states that “flat portion 31 includes a tapered portion 35 which is tapered toward straight edge 32 in a razor-like fashion” (see col. 5, lines 53-55). Therefore, Applicants submit that Alchas does not make up for the deficiencies of Vaslow. For at least this reason, Applicants submit that claims 3, 5, and 12 are not rendered obvious by the combination of Alchas and Vaslow and Applicants request withdrawal of this rejection.

The Claims Are Not Rendered Obvious by Vaslow in View of U.S. Patent No. 6,346, 099 to Altman (“Altman”)

Claims 11 and 13-16 (which depend directly or indirectly from claim 1) stand rejected under 35 U.S.C. 103(a) as being allegedly rendered obvious by Vaslow in view of Altman. As stated above, Vaslow does not describe a needle having a distal most end that is a curvilinear non-pointed tip. Altman does not make up for this deficiency. Specifically, Altman describes a “simple straight hollow 316 LVM stainless steel needle.” (See col. 5, lines 55-56; Fig. 3). For at least this reason, Applicants submit that claims 11 and 13-16 are not rendered obvious by the combination of Vaslow and Altman. As such, Applicants request withdrawal of this rejection.

The Claims Are Not Rendered Obvious by Vaslow in View of U.S. Patent No. 5,873,864 to Luther (“Luther”)

Claims 17-20 (which depend directly or indirectly from claim 1) stand rejected as being allegedly rendered obvious by Vaslow in view of Luther. As stated above, Vaslow does not describe a needle having a distal most end that is a non-pointed curvilinear tip. Luther does not make up for this deficiency. For at least this reason, Applicants submit that claims 17-20 are not rendered obvious by the combination of Vaslow and Luther. As such, Applicants request withdrawal of this rejection.

The Claims Are Not Rendered Obvious by Vaslow in View of U.S. Patent No. 5,843, 048 to Gross (“Gross”)

Claim 21 (which depends from claim 1) stands rejected under 35 U.S.C. 103(a) as being allegedly rendered obvious by Vaslow in view of Gross. Applicants submit that there is no motivation to combine the teachings of Vaslow and Gross.

Specifically, Gross describes a “blunted tip” (40). One skilled in the art would not be motivated to modify the needle of Vaslow to have a blunted tip to avoid coring or penetration of the needle through a blood vessel’s opposite wall because Vaslow provides its own solution to prevent coring and penetration. Specifically, Vaslow describes a jaw that “acts as an anti-snagging device to prevent penetration of the vessel opposite wall after penetration of the vessel’s near wall is initiated. During the penetration of the vessel’s near wall the jaw, in particular its chin, contacts the vessel’s near wall and exerts a force away from the vessel’s opposite wall, thus inhibiting possible penetration of the opposite wall by the needle point.” If the pointed leading end of Vaslow’s needle were modified to have a blunted tip to prevent coring and penetration, it would render the jaw of Vaslow superfluous. For at least this reason, Applicants submit that there is no motivation to combine the teachings of Vaslow with Gross and, as such, claim 21 is not rendered obvious by the combination of Vaslow and Gross. Accordingly, Applicants request withdrawal of this rejection.

The Claims Are Not Rendered Obvious by Vaslow in View of U.S. Patent No. 5,817,052 to Johnson (“Johnson”)

Claims 22 and 23 stand rejected as being allegedly rendered obvious by Vaslow in view of Johnson. As stated above, Vaslow does not describe a needle having a distal most end that is a non-pointed curvilinear tip. Johnson does not make up for this deficiency. For at least this reason, Applicants submit that claim 21 is not rendered obvious by the combination of Vaslow and Johnson. As such, Applicants request withdrawal of this rejection.

New Claims

None of the cited references disclose the limitations of a distal opening having a U-shape, an hourglass shape, or having only one surface at the distal end indented toward the other surface.

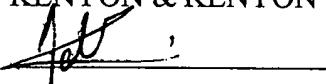
CONCLUSION

It is respectfully submitted that the present application is now in condition for allowance, which action is respectfully requested. The Examiner is invited to contact Applicants' representative to discuss any issue that would expedite allowance of the subject application.

Any fees for extension(s) of time or additional fees required in connection with the filing of this response, are hereby petitioned under 37 C.F.R. § 1.136(a), and the Commissioner is authorized to charge any such required fees or to credit any overpayment to Kenyon & Kenyon's Deposit Account No. 11-0600.

Respectfully submitted,
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